

1 The Honorable Ricardo S. Martinez
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 BACKPAGE.COM LLC,)
9 Plaintiff,) No. C12-954-RSM
10 and)
11 THE INTERNET ARCHIVE,) DECLARATION OF TODD
12 Plaintiff Intervenor) NOVISEDLAK
13 vs.)
14 ROB MCKENNA, Attorney General of)
Washington, et al.,)
15 Defendants, in their official capacities.)

16 I, Todd Novisedlak, declare as follows:
17
18 1. I have personal knowledge of the matters set forth in this declaration and am competent
to testify to them.
19
20 2. I am a detective with the Seattle Police Department. I am assigned to the High Risk
Victims unit within the Vice Section and investigate crimes involving prostitution,
21
22 promoting prostitution and the commercial sexual abuse of minors. I have personally
23

DECLARATION OF TODD NOVISEDLAK
(C12-954-RSM) - 1

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-8820 Fax (206) 296-8819

1 been involved in over 1200 investigations involving the crimes of prostitution, promoting
2 prostitution, and the commercial sexual abuse of minors.

3. In the course of conducting investigations into the commercial sexual abuse of minors, I
4 have visited the escort sections of various websites, including Backpage.com, and viewed
5 hundreds of advertisements for what appeared to be prostitution services. I have
6 personally been involved in over a dozen investigations where our team has contacted,
7 recovered, and identified juvenile girls after seeing their advertisements posted on a
8 website. I have never contacted any person, juvenile or otherwise, posting
9 advertisements on the escorts section of Backpage.com who was advertising for
10 legitimate escort services.

11. 4. During the course of working in the Vice Unit, I have learned that Backpage.com submits
12 referrals for suspected juveniles posting on Backpage.com to the National Center for
13 Missing and Exploited Children (hereinafter referred to as "NCMEC"). I am also aware
14 that NCMEC prepares reports based on the referrals and forwards its reports to the FBI.
15 The FBI then distributes the reports to various local law enforcement agencies, including
16 the High Risk Victims section of the Seattle Police Department's VICE Unit. I have
17 personally received and reviewed these reports that were initiated by a Backpage.com
18 referral.

19. 5. On June 11, 2012, I received one such report by email from the FBI. This report
20 contained information submitted by Backpage.com to NCMEC's CyberTipline on June 8,
21 2012.

22. 6. The report concerned an advertisement posted on Backpage.com (Post ID 9806602) on
23 June 7, 2012 under the "Seattle escorts" section of the website. A copy of the posting

1 was attached to the email I received from FBI SA Vienneau. The posting appeared to
2 depict a minor female, later identified as 15-year-old C.C.

3 7. The advertisement contained a contact phone number from the 253 area code with a 632
4 prefix, six photos of the child C.C., and the following language: "Hi My Name Is Ari
5 And Im 19 Years Old Im Whitee Im 5;8 I WY180 Im thick In All The Right Places I
6 Have DD 40 Tits N A Big Booty :)". A copy of this advertisement is attached as
7 EXHIBIT A.

8 8. According to NCMEC's report, Backpage.com reported the June 7 advertisement to
9 NCMEC after an anonymous person using the email address sgc1984@live.com
10 submitted to Backpage.com the following comment: "?Under age?"

11 9. On June 11, 2012, I went to the King County juvenile detention center and interviewed
12 C.C. I confirmed that C.C. was 15-years-old and that she had arranged to have sexual
13 intercourse with K.S. for \$80.

14 10. I subsequently received and reviewed Federal Way Police Department's incident report
15 P12007081. The report includes a signed statement by K.S., a 29-year-old male. K.S.
16 states that he met C.C. on an unidentified website. He further states that he arranged to
17 meet her at her apartment and pay her \$50 for sexual intercourse. K.S. states that he went
18 to the address of C.C. and gave her \$50. The report further states that C.C. was arrested
19 by Federal Way police officers and booked into the King County juvenile detention
20 center for prostitution on June 11, 2012.

21 11. That same day, I located another advertisement for 15-year-old C.C. posted on
22 Backpage.com on June 10, 2012 (Post ID 9840318) under the "Wenatchee escorts"
23 section of the website. The advertisement is attached as EXHIBIT B. The advertisement

DECLARATION OF TODD NOVISEDLAK
(C12-954-RSM) - 3

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-8820 Fax (206) 296-8819

1 included six of the same pictures of C.C. as contained within the June 7 advertisement.

2 The advertisement further included the same phone number as the June 7 advertisement
3 and similar language to the June 7 advertisement.

4 12. That same day, I emailed Backpage.com and requested the removal of this advertisement
5 depicting fifteen-year-old C.C. I informed Backpage.com that the advertisement depicted
6 a verified juvenile. I also requested that any other advertisements posted by the same user
7 be removed as well. This email correspondence is attached as EXHIBIT C.

8 13. On June 12, 2012, a representative of Backpage.com responded to my June 11 email,
9 stating that Backpage.com had removed the advertisements on Monday, June 11. This
10 further correspondence is contained within EXHIBIT C.

11 14. On June 19, 2012, I received a second NCMEC report from the FBI. This report
12 contained information submitted by Backpage.com to NCMEC's Cyber Tipline on June
13 14, 2012.

14 15. The report concerned an advertisement posted on Backpage.com under the "Seattle
15 escorts" section of the website on June 14, 2012 (Post ID 9866875). The posting was
16 attached to the email I received from SA Vienneau. The June 14 advertisement, attached
17 as EXHIBIT D, contains two of the same pictures I had seen on the June 7 and June 11
18 advertisements for 15-year-old C.C. The advertisement also lists the same phone number
19 as that listed in the previous two advertisements I reviewed.

20 16. According to the second NCMEC report, Backpage.com reported the June 14
21 advertisement because a Backpage.com moderator felt that the person in the
22 advertisement looked young.

1 17. I subsequently reviewed six more advertisements displaying pictures of C.C. from
2 Backpage.com. The dates of the postings were: June 15, 2012 (Post ID 9884350); June
3 18, 2012 (Post ID 9909799); June 19, 2012 (Post ID 9919995); June 20, 2012 (Post ID
4 9926062); June 20, 2012 (Post ID 9927532); and June 21, 2012 (Post ID 9936107).
5 These advertisements are attached as EXHIBITS E-J. Each of these was printed off of
6 Backpage.com on June 22, 2012, indicating to me that the advertisements were still
7 active on the internet. Each of these advertisements listed the same phone number as the
8 previous three advertisements I had reviewed. Each of these advertisements also
9 included the same pictures of 15-year-old C.C. that I had seen in the previous three
10 advertisements. All but one of the nine advertisements for 15-year-old C.C. contained
11 the following prices per unit of time: 15-20 Min - \$60; 30 Min - \$80; 1 Hr - \$110.

12 18. I subsequently reviewed King County Sheriff's Incident Report 12-145643. This report
13 states that on June 24, 2012, an undercover police officer with the King County Sheriff's
14 Office viewed an advertisement from Backpage.com (Post ID 9944893). This
15 advertisement is attached as EXHIBIT K.

16 19. According to KCSO 12-145643, the undercover officer called the number on this
17 Backpage.com advertisement and arranged a meeting with a young-sounding female.
18 The officer and the female agreed on a price of \$80 for 30 minutes. The female gave the
19 undercover officer an address for the meeting. Upon arriving at the address, the
20 undercover officer discovered fifteen-year-old C.C. The officer recognized C.C. from the
21 pictures and recognized her voice from the phone calls arranging the meeting.

22 20. I reviewed the same advertisement that was used by the undercover officer and
23 recognized the same pictures of C.C. that I had seen on the previous 9 advertisements for

1 15-year-old C.C. The advertisement also included the same phone number that had been
2 used in the previous 9 advertisements.

3 21. I, Todd Novisedlak, declare under penalty of perjury under the laws of the State of
4 Washington that the foregoing is true and correct to the best of my knowledge.

5 Executed this 6 day of July, 2012 at Seattle, WA.

6
7 Todd Novisedlak
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23